

REMARKS

Claims 1-29 are pending in the present application. Claims 1-29 were rejected in the Office Action mailed 09/26/2005. Claims 1, 12, and 19 are amended herein.

Claim Rejections – 35 USC 103

The Examiner variously rejected claims 1-29 under 35 USC 103(a) as being unpatentable over various combinations of Hayashi (USPN 5912512); Mizuno (USPN 5886421); Ghabra (USPN 6737955), Lambropolous (USPN 4881148), Enoyoshi (USPN 6525433), Hasegawa (USPN 5635900) and Mutoh (USPN 5621380). The Applicants respectfully traverse the Examiner's rejection of the claims.

Argument:

Regarding independent claim 1, none of the references disclose a system or method in which "the steps of determining whether said first smart key is a master key and placing said vehicle into a programming mode if said first smart key is a master key occur before the step of inserting a first smart key into said vehicle .

In Hayashi, FIGURE 3, the key is inserted before the system determines whether the key is a master key.

In Mizuno, FIGURE 5, the key is first inserted (step S1) before any alleged master key determining steps occur.

In Ghabra, col. 3, line 62 – col. 4 line 4, the key or key surrogate 108 is read by a switch surrogate 110 (i.e. an ignition switch).

Lambropolous discloses a remote control system for door locks that is silent about smart keys, their insertion into vehicles or their programming prior to insertion.

In Enoyoshi, FIGURE 4, the key is inserted and the power turned on (step S1) before the key ID is read (step S3).

In Hasegawa, FIGURE 3A, the key is inserted and the ignition turned on (step S1) before the key ID is input (step S3)

In Mutoh, col. 1, lines 37-63, the insertion of a key into the ignition and subsequent activities are described.

Regarding independent claim 12, none of the references disclose a system or method in which the vehicle is placed into a programming mode by wireless sensing of said access-granting operator smart key, said wireless sensing occurring prior to insertion of said access-granting operator smart key into an ignition switch of said vehicle.

In Hayashi, FIGURE 3, the key is inserted before the system determines whether the key is a master key and there is no wireless sensing prior to that time.

In Mizuno, FIGURE 5, the key is first inserted (step S1) into a switch and there is no wireless sensing before that time.

In Ghabra, col. 3, line 62 – col. 4 line 4, the key or key surrogate 108 is read by a switch surrogate 110 (e.g. an ignition switch). Ghabra does not describe any wireless sensing that occurs before that time.

Lambropoulos discloses a remote control system for door locks that is silent about smart keys, their insertion into vehicles or their programming prior to insertion.

In Enoyoshi, FIGURE 4, the key is inserted and the power turned on (step S1) before the key ID is read (step S3).

In Hasegawa, FIGURE 3A, the key is inserted and the ignition turned on (step S1) before the key ID is input (step S3)

In Mutoh, col. 1, lines 37-63, the insertion of a key into the ignition and subsequent activities are described.

Regarding independent claim 19, none of the references disclose a system or method in which a controller is configured (1) to communicate with the master smart key before the master

smart key is inserted into the vehicle, (2) to receive the at least one numeric value from the master smart key before the master smart key is inserted into the vehicle.

In Hayashi, FIGURE 3, the key is inserted before the system determines whether the key is a master key.

In Mizuno, FIGURE 5, the key is first inserted (step S1) before any alleged master key determining steps occur. Regardless, the Examiner only uses Mizuno for its key-writing characteristic.

In Ghabra, col. 3, line 62 – col. 4 line 4, the key or key surrogate 108 is read by a switch surrogate 110 (i.e. an ignition switch). When and how this occurs is unstated. Regardless, the Examiner only uses Ghabra for its key-writing characteristic.

Lambropoulos discloses a remote control system for door locks that is silent about smart keys, their insertion into vehicles or their programming prior to insertion.

In Enoyoshi, FIGURE 4, the key is inserted and the power turned on (step S1) before the key ID is read (step S3).

In Hasegawa, FIGURE 3A, the key is inserted and the ignition turned on (step S1) before the key ID is input (step S3).

In Mutoh, col. 1, lines 37-63, the insertion of a key into the ignition and subsequent activities are described.

For at least the above reasons, the claims are not unpatentable over Hayashi, Mizuno, Ghabra, Lambropoulos or Mutoh under 35 USC 103(a).

Support for the Claim Amendments

The subject matter of the amendments can be found at least at paragraphs [0042] and [0046] which explain that the communication processes between the controller and the transponder can occur respectively *before* the key is inserted into the switch (for a faster response), or can be delayed until *after* the key is inserted into the ignition switch.

Conclusions:

All the claims are now believed to be in condition for allowance, early notification of which is hereby requested. If a teleconference would advance the prosecution of the case the Examiner is requested to call the undersigned at the telephone number below.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 28th day of November, 2005

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